



City of Woburn, Massachusetts Planning Board

City Hall, 10 Common Street
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The Woburn City Council
City Hall, 10 Common Street
Woburn, MA 01801

RE: TECHNOLOGY AND MIXED-USE BUSINESS OVERLAY DISTRICT (TBOD) SPECIAL PERMIT APPLICATION FOR "HIGHLAND AT VALE" / PULTE HOMES OF NEW ENGLAND, LLC

Dear Council:

The Planning Board and its staff reviewed and considered the above-referenced application which seeks a special permit pursuant to Section 28.6.2.2. of the Woburn Zoning Ordinance (WZO) to permit the construction of 197 one, two, and three-bedroom residential condominiums. Of the 197 units, 75 will be townhome dwellings contained in two- and three-unit buildings and 122 units will be multi-family "garden style" units. The "garden style" units would be contained in three low-midrise buildings, two having 36 units and one having 50 units. Thirty (30) of the 197 dwelling units will be affordable to persons and households of low and moderate income as defined by MGL Ch. 40B, Sec 20.

The Petitioner is also seeking additional special permits to:

- Provide relief from the requirement that "access to the buildable portion of a lot shall be gained from a lot's legal street only. Access to lots by so-called 'common driveways' or access easements shall be prohibited.";
- Allow certain fences and retaining walls to exceed 3' and 6' in height respectively (Sections 5.3.2. and 5.34. of the WZO respectively); and
- Reduce the minimum roadway pavement width for two-way traffic from 24' to 20' (Section 28.8.3).

The Board respectfully defers comment on VHB's traffic impact memorandum/trip generation comparison in favor of the Engineering Department which will be submitting its own communication to you on this application. The Board also defers review of the proposed signage for zoning conformance to the Inspectional Services Department. Finally, members noted that the application package did not provide any information relative to drainage or stormwater management.

CONFORMANCE WITH MAXIMUM RESIDENTIAL DENSITY LIMITATION

This application seeks a special permit pursuant to Section 28.6.2.2. of the Woburn Zoning Ordinance (WZO) to allow development of 197 condominium units.

This is one of two pending special permits seeking approval for construction of residential units in the District, and taken together they appear to exceed the maximum number of residential units allowed by Section 28.6.2.2 (300 units). A pending Special Permit application from LCS Woburn, LLC

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calls for construction of 103 congregate elderly housing units and 84 assisted living units. When added to the units planned for the LCS development, the total number of proposed residential units appears to equal 384 units. The issue centers on how one "classifies" the 84 assisted living units planned for this project.

The definition of Hospital, Extended Care Facility expressly includes Assisted Living residences, but Assisted Living is defined in Section 2 of the WZO as *"Residents require significant personal care/assistance with Activities of Daily Living (ADLs) such as bathing, dressing/undressing, using the restroom, eating, walking/wheeling, medication management, etc."* There is nothing in the application to indicate that the units being called "assisted living units" will meet this definition. One might infer otherwise from the plans, which show these units to have their own kitchens, bathrooms, and bedrooms. The definition of Assisted Living contrasts sharply with the definition of Assisted Living/Continuing Care, which is not permitted in the TBOD and which is defined as housing *"...for able bodied senior citizens and/or housing with various degrees of medical and life support services to people over the age of 62 years of age (sic)."*

Finally, the definition of Dwelling Unit is *"One (1) or more rooms arranged, intended, or designed to be occupied by one (1) family and to provide complete facilities for living, sleeping and eating."* The units proposed as "assisted living units" would seem to meet the definition of Dwelling Unit by virtue of their design (full kitchen, bathroom, bedroom, living room) and if so, should count toward the total number of residential units on the TBOD site.

The Council must determine whether the aggregate number of residential dwelling units on the two sites meets or exceeds the maximum number of units that can be permitted.

TBOD PROVISIONS ARE STAND-ALONE

Planning staff informed the Board that Section 28.5 was included to ensure that, with few exceptions, the provisions of the TBOD chapter alone would control development within the District. Section 28.5 reads as follows:

"Except as specifically provided herein, uses and provisions of the Zoning Ordinance relating to the underlying zoning district not otherwise impacted by this Section 28 shall continue to remain in full force and effect with the exception of 5.2.1.4 and, provided further that the City Council shall in all cases be the Special Permit Granting and Site Plan Approval Authority, as applicable. Notwithstanding the foregoing, this Section (§28) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken at any TBOD and supercedes any other provision of the Zoning Ordinance except Section 9 (Floodway and Flood Plain Districts). If any activity requires one or more Special Permits under said Section 9, a special permit application may be submitted to and considered by the City Council as the sole Special Permit Granting Authority concurrently with any Special Permit or Site Plan Review application submitted pursuant to Section 28. In the event of any conflict between the provisions of this Section and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control."

As noted on the previous page, Pulte's application includes requests for several other special permits, in addition to the one needed for the proposed residential use:

- Provide relief from the requirement that "access to the buildable portion of a lot shall be gained from a lot's legal street only. Access to lots by so-called 'common driveways' or access easements shall be prohibited.";
- Allow certain fences and retaining walls to exceed 3' and 6' in height respectively (Sections 5.3.2. and 5.34. of the WZO respectively); and
- Reduce the minimum roadway pavement width for two-way traffic from 24' to 20' (Section 28.8.3).

The request for relief from the requirement for access to the buildable portion of a lot over its frontage should not be a Special Permit request, but rather an acknowledged waiver/authorization by the City Council, in accordance with Section 28.11.6.1.

Special permits for fence and retaining wall heights are unnecessary, since the TBOD does not limit the height of fences and retaining walls, and given the language at Section 28.5 regarding exclusivity of the TBOD provisions. However, the Planning Board does recommend that all fences exceeding 3' in height as well as all segments of retaining walls that exceed 6' in height be identified on the Plan(s) of Record for future reference by Inspectional Services staff.

With respect to reducing the minimum roadway pavement width from 24' to 20', the Planning Board does not recommend this Special Permit request be granted. The request appears to be the result of a desire to maximize the per-acre density of the site rather than a reality dictated by physical site constraints. The access roads are intended to support two-way traffic, and the applicant intends to allow parking on the street. The combination of narrower pavement width, on-street parking and seasonal snow banks could create inconvenient situations at best and unsafe conditions at worst.

OTHER PARKING- AND STREET-RELATED ISSUES

Sheet 22 of the plan set (entitled Construction Details) contains typical cross sections for parking lots and the main "site drive" that will be constructed by others. The plans provide no cross-section(s) for any of the roadways that will provide access to the townhouse units. A detail for these roadways should be added to the plan set.

It is not possible to determine the vertical clearance that will be afforded by the street signs being proposed at each access road for the townhouse units ("S" signs). Although no minimum clearance is specified in Section 28 (TBOD), Title 12, Article V, Section 12-31 of the Woburn Municipal Code specifies a minimum clearance of eight (8) feet.

Consistent with best practices and past decisions by the City Council, vertical granite curbing should be required throughout the development rather than the monolithic Cape Cod berm which is being proposed.

Lastly, the streets (ways) in this project must be named after Woburn veterans killed in action, per City ordinance. Names of proposed streets and ways should be submitted for Woburn City Council review by the Police and Fire Departments as well as the Veterans Agent, for eventual approval by City Council.

PEDESTRIAN AND BICYCLE ACCOMMODATIONS

The overall master development plan for the TBOD District includes a number of elements to accommodate bicyclists and pedestrians, including sidewalks on Hill Street and the main interior access road, and an extension of the Tri-Community Bikeway into the site. The proposed site plan for Highland at The Vale does not include any sidewalks on any of the roads providing access to the townhouse units. The driveways around the multi-family buildings also lack sidewalks. There are walkways connecting various parking areas to entrances in the multi-family buildings, but these walkways do not connect to each other. Only one walkway, adjacent to multi-family Building #1, provides a connection to the sidewalk that will be installed on the main roadway servicing this development and LCS's. The Petitioner does plan to paint crosswalks where the townhouses' access roads intersect with the main roadway.

There are no bicycle accommodations included in the project. The Petitioner did indicate that the townhouses would have sufficient space in the individual units' garages for the storage of bicycles, but there is no exterior bicycle storage proposed and none of the garages servicing the multi-family buildings appear to have bike storage areas included in their design.

It is the opinion of the Planning Board that the envisioned development overall, and the individual development plans of both Pulte and LCS, fall short of their potential with respect to pedestrian and bicycle accommodations. One, the design of the district generally could be improved to better capitalize on the property's proximity to the Tri-Community Bikeway, which crosses Hill Street at the entrance to the site. The site development master plan includes a pathway through a portion of the property that will be wide enough to accommodate both bicycle and pedestrian traffic, but it is wide enough to accommodate both only to a point. The shared pathway narrows to a standard sidewalk width at a location well short of the LCS project, and in fact before reaching the Pulte site. The residential portion of the TBOD development should be provided with more robust alternative transportation accommodations, to ensure the residents, employees and visitors of/to the Pulte and LCS projects have adequate and safe paths of travel to other parts of the district and off-site destinations.

Two, the designs of specific development parcels should incorporate site elements that will not only accommodate but also encourage the use of forms of transportation other than a car. Three, the designs of all projects and of the overall site should cohesively work together to ensure the adequate and safe passage of pedestrians and bicyclists throughout the development, and to and from each project.

The Planning Board strongly encourages the Council, the Petitioner and Leggat McCall to work together to incorporate into the various project designs additional site features and construction standards that encourage the safe use of alternative transportation methods. Examples include coordinated wayfinding signage throughout the district, pathways that provide complete (not

partial) access for multiple users simultaneously, and separation/demarcation of bicycle lanes to maximize safety against vehicular traffic.

With respect to this Special Permit plan specifically, the Board recommends, at a minimum, the following:

- Installation of one or two outdoor bike racks in both the townhouse and multi-unit portions of the project; and
- Provisions/equipment for bicycle storage in each townhouse garage and in the multi-family building garages, for use by owners/tenants, employees, and visitors.

TRASH AND RECYCLING FACILITIES

A recycling area is proposed to be located adjacent to one of the multi-unit buildings (Building #3). Is that area intended to service both the multi-family and townhouse units? Does the recycling area also include trash receptacles? How will refuse be collected from both types of units? Will residents be responsible for placing their trash in the recycling area themselves, or is a coordinated collection of trash envisioned?

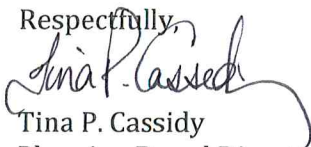
With respect to the townhouse units, it appears each unit will have its own trash and recycling containers. The Petitioner indicates it intends to include a clause in the condominium documents that requires unit owners to store their trash and recycling containers in the garages rather than outside in back or side yards. The Planning Board recommends the Council consider imposing a formal requirement mandating these receptacles be kept inside the units' garages.

SNOW STORAGE

No areas have been included on the plans for the storage of snow during Winter months. The plans should be revised to show areas where such storage will occur, and the Engineering Department should be asked to verify the adequacy of those areas in terms of their capacity.

If you have any questions relative to the Planning Board's recommendation, please do not hesitate to contact me.

Respectfully,



Tina P. Cassidy
Planning Board Director

TPC/tc

cc: Attorney Joseph Tarby
Mark Mastroianni, Pulte Group
Chad Reynolds, Leggat McCall Properties
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